REMARKS

The Office Action of July 19, 2007, rejected the pending claims as being obvious in view of U.S. Patent No. 6,295,521, issued to DeMarcken et al. (hereinafter "DeMarcken") in combination with U.S. Patent No. 6,304,850, issued to Keller et al. (hereinafter "Keller").

With this response, Claims 1, 13, and 25 are amended.

35 U.S.C. § 112, First Paragraph, Rejections

Applicant respectfully disagrees with the Examiner's rejection of independent Claims 1, 13, and 25 as not including information such that one of ordinary skill in the art can make and use the invention without undue experimentation. While not expressly recited in a formula, applicant submits that "determining a threshold cost, at least in part, according to travel time" would have been clear to one of ordinary skill in the art just as the phrase "determining a threshold cost, at least in part, according to price" would have been. Indeed, just as determining by price would imply selecting lower priced fares, determining by partial fare solutions by travel time implies selecting shorter flights. One of ordinary skill in the art such that this person would be knowledgeable regarding building complete fare solutions from partial fare solutions as recited in the claims, would certainly be able to apply "determining a threshold cost, at least in part, according to travel time" in eliminating unqualified partial fare solutions without undue experimentation. Accordingly, applicant requests that the 35 U.S.C. § 112, first paragraph, rejection be withdrawn.

35 U.S.C. § 103(a) Rejections

Independent Claims 1, 13, and 25 have each been amended to recite similar elements. According, Claim 1 is used as illustrative for the other independent claims.

Applicant submits that DeMarcken and Keller, alone and in combination, fail to disclose the following elements of Claim 1:

> as trip information is added to the partial fare solutions, eliminating partial fare solutions that are non-optimal partial solutions, **wherein said partial**

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

> **fare solutions are eliminated based on a threshold cost determined, at least in part, according to the travel time of said partial fare solutions**;
>
> determining whether a predetermined number of complete fare solutions have been found and **repeatedly increasing the threshold cost and carrying out the above recited steps** of determining, adding, and eliminating using the increased threshold cost **until the predetermined number of complete fare solutions has been found**; and

The Office Action cites to numerous passages in DeMarcken as disclosing eliminating partial fare solutions, "at least in part, according to the travel time of said partial fare solutions." Applicant disagrees. At most, DeMarcken discloses that its "server process 12 can produce routes or airline suggestions, optimal travel times and suggestions for alternative requests." While DeMarcken may disclose optimal travel times, this falls far short of what is particularly recited in Claim 1: "eliminating partial fare solutions that are non-optimal partial solutions, wherein said partial fare solutions are eliminated based on a threshold cost determined, at least in part, according to the travel time of said partial fare solutions." Indeed DeMarcken is entirely silent on eliminating partial fare solutions based, at least in part, on the travel time of said partial fare solutions. Moreover, applicant's assertion that DeMarcken fails to disclose eliminating non-optimal partial fare solutions according to travel time is further bolstered by the statement in the Office Action, page 5, that states "Demarken does not disclose that the partial fare solutions are eliminated based on threshold cost."

Keller also fails to disclose eliminating non-optimal partial fare solutions base, in part, on travel time of the partial fare solutions.

Prior to the amendment of Claim 1, elements similar to "repeatedly increasing the threshold cost and carrying out the above recited steps . . ." was viewed as optional and, apparently, given little or no patentable weight. Applicant has amended and rephrased these elements in Claim 1 such that they now positively recite determining whether a predetermined number of solutions are found, and further positively recite "repeatedly increasing the threshold cost and carrying out the above recited steps . . . until the predetermined number of complete fare

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206 682 8100

solutions has been found." Applicant submits that DeMarcken and Keller fail to disclose these positively recited elements.

The Office Action, page 10, asserts that, per Keller, a customer is notified and a search can be performed again. However, applicant points out that this is substantially and patentably distinct from the claimed subject matter which is responsive to a single query from a user, whereas Keller's purported disclosure requires at least one more, subsequent user-initiated query.

In view of the above, applicant submits that Claim 1, as well as its dependent claims, are in condition for allowance. Applicant requests that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn, and the claim allowed.

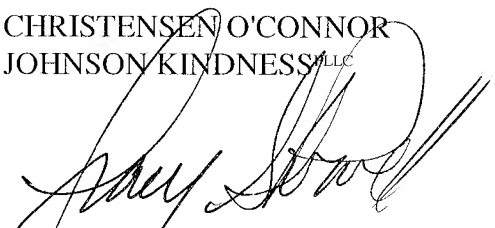
As mentioned above, Claims 13 and 25 recite similar elements to those found in Claim 1. Accordingly, applicant submits that for the same reasons as set forth above, Claims 13 and 25 are also in condition for allowance, as well as claims dependent therefrom.

CONCLUSION

In view of the above amendments and remarks, applicant respectfully submits that the present application is in condition for allowance. Reconsideration and reexamination of the application, and allowance of the claims at an early date, are solicited. If the Examiner has any questions or comments concerning the foregoing response, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS PLLC



Tracy S. Powell
Registration No. 53,479
Direct Dial No. 206.695.1786

TSP:lal

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100